

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ANDREW J. POPE and JOSHUA RAVE,

Plaintiffs,

v.

OPINION & ORDER

ESPESETH, INC., and ANTHONY ESPESETH,

15-cv-486-jdp

Defendants.

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Plaintiffs Andrew J. Pope and Joshua Rave represent a class alleging violations of the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-19. They have moved for final approval of their proposed collective action settlement with defendants Espeseth, Inc., and Anthony Espeseth and an award of attorney fees and incentive fees. Dkt. 127 and Dkt. 130. The court preliminarily approved the settlement on April 25, 2016, and ordered notice to the class. Dkt. 116. On September 27, 2017, the court held a final fairness hearing, at which the parties' counsel appeared.

The parties agreed to a total settlement fund of \$49,020. That amount includes attorney fees, costs, incentive compensation for the named representatives, and payment for the 26 opt-in collective action members. None of the collective action members have objected to the settlement, although not all potential members opted in. The recovery represents a reasonable compromise of full recovery in light of the chance of recovery. Based on the fairness hearing and the parties' submissions, the court concludes that the settlement is fair, reasonable, and adequate. The incentive compensation to the two named representatives is relatively modest, and the court finds that it is reasonable.

Collective action counsel seeks \$15,000 in attorney fees and \$1,656.52 in costs. Counsel seeks fees equal to approximately one-third of the total recovery less expenses. *See Redman v. RadioShack Corp.*, 768 F.3d 622, 630 (7th Cir. 2014) (“The ratio that is relevant to assessing the reasonableness of the attorneys’ fee that the parties agreed to is the ratio of (1) the fee to (2) the fee plus what the class members received.”). This is reasonable as a percentage and as a lodestar calculation based on the work expended on the case. The court will approve it.

#### ORDER

IT IS ORDERED that:

1. Plaintiffs Andrew J. Pope and Joshua Rave’s motion for final approval of the settlement agreement, Dkt. 127, is GRANTED.
2. Plaintiffs’ motion for attorney fees and incentive awards, Dkt. 130, is GRANTED.
3. Plaintiffs’ counsel is awarded \$15,000 in attorney fees and \$1,656.52 in costs.
4. This case is DISMISSED with prejudice. The clerk of court is directed to enter judgment and close this case.

Entered September 27, 2017.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge